

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KENTRELL D. WELCH,
Plaintiff,
v.
LIGGETT, et al.,
Defendants.

Case No.: 2:19-cv-01243-APG-NJK

ORDER

[Docket No. 41]

Pending before the Court is Plaintiff Kentrell D. Welch's motion for appointment of counsel. Docket No. 41. Plaintiff submits that exceptional circumstances exist in this case warranting appointment of counsel. *Id.* at 9, 11. Specifically, Plaintiff submits that, in 2015, he was adjudicated incompetent based on a neuropsychological evaluation. *Id.* at 7, 19–30.

14 The Court “must appoint a guardian ad litem – or issue another appropriate order – to
15 protect a[n] … incompetent person who is unrepresented in an action.” Fed.R.Civ.P. 17(c)(2).
16 Further, the Court “is under a ‘legal obligation’ to consider whether an incompetent person is
17 adequately protected.” *Jurgens v. Dubendorf*, 2015 WL 6163464, at *3 (E.D. Cal. Oct. 19, 2015)
18 (citing *United States v. 30.64 Acres of Land*, 795 F.2d 796, 805 (9th Cir. 1986)).

19 Accordingly, the Court hereby **SETS** a hearing for **10:00 a.m. on January 14, 2021**, to
20 determine whether Plaintiff is adequately protected in the instant action. Defendants may respond
21 to Plaintiff's motion – any response must be filed no later than December 21, 2020. As Plaintiff
22 is currently housed in Ely State Prison, the Attorney General's Office is **INSTRUCTED** to
23 coordinate with the undersigned's courtroom deputy, Ari Caytuero, at 702-464-5566, to facilitate
24 Plaintiff's video conference appearance at the hearing.

IT IS SO ORDERED.

DATED: December 2, 2020.

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE